FOR MYSORE STATE

Revenue (1950) Department.

No. SERIES

G.O. NO. 756

Dated the 14th March 1950.

Closed
21/3/50
Supdt

[Despatch Abstract.]

Assignment - House site - (Bellary
Hospet taluk and town - S. No. 165/1
Petition from Sri. M. Narayanappa - Reject

BEFORE THE SECRETARY TO THE GOVERNMENT,

GOVERNMENT OF MADRAS.

M. Appeal, /49 F.

B. Narayanappa Hospet — Appelant

VS

Collector of Bellary — Respandent.

VAKALAT.

Sri A.R. Krishna Rao, Advocate, Hospet

I B. Narayanappa, Hospet. hereby appoint and retain for me in the above appeal petition and to conduct and prosecuute the same and all proceedings that may be taken in repsect of any application for execution of any decree or order passed therein. I empower my advocate to appeal in all misscellaneous proceedings in the above appeal till all orders are fully satisfied or adjusted and to obtain the return of documents

B. Narayanappa

Executed and Signed before

M Narayanappa

7.6.49

Accepted

A.R. Krishnarao

Advocate

Hospet

7/6/49

BEFORE THE SECRETARY TO THE GOVERNMENT OF MADRAS.

Bhupalam Narayanapp

Merchant, Hospet.

vs

Collector of Bellary Respondent

In the matter of the assignment of land in S.No. 165/I in front of the house.

Ref: Res. (RT)2262 dated 19-4-1949 of the Board of Revenue Madras.

The humble petition of Bhupalam Narayanappa, merchant, Hospet, most respectfully showeth:

1. that the petitioner had been the owner of a site measuring forty feet by fifteen feet as per the gift deed dated 3-2-1914. As this space was not enough for a shop, the petitioner's father occupied a furtner space by four feet with the permission of the Municipal Council in 1914. in C.No. 1061 dated 27-7-1914.

2. that the encroachment is only four feet in length from East to West. In 1942 the petitioner moved the Collector of Bellary for assignment of this excess area which did not cause any obstruction to the public and which was not objected to by the Municipal Council. The Revenue authorities and the Municipal Council recommended the assignment

3. that the Tahsildar of Hospet fixed also the market value of the site after necessary enquiry. The Collector ordered sub-division of the land in his D.Dis 9536/46 dated 27-11-46 and the Tahsildar after hearing the petitioner sent up his final report dated 12-11-47 to the Collector of Bellary.

4. that to the misfortune of the petitioner , the Collector in D.Dis No. 12562/47 dated 1-12-47 rejected the application.

5. that the petitioner moved the Board of Revenue , Madras , to set aside the orders of the Collector and order assignmnt of th site which the petitioner had occupied xxxxxxxxxxxxxxxxxx. The Board of Revenue dismissed the petition in Res. (RT) 2262 dated 19-4-49. Hence the petition to the Governemnet.

6. that the removal would mar the xxxxx

6. that the removal of the balcony would only mar the beauty of the locality, It is in line with the other buildings in the street and it causes no obstruction of any kind either to the public or to the traffic.

7. that the space that may have to be assigned has been in his uninterrupted possession and peaceful enjoyment since 1914.

8. It is therefore paryed that the Governemnt will be pleased to take the case into favourable consideration and order assignment of space of four feet in front of the petitioner's shop.

A R Krishnarao

Advocate for the petitioner.

Hospet.

D/3-6-

List or documents filed:

1. Gift Deed dated 3-2-1914 ~~xxxxxx~~. — Pp 5. 6 Cmr
2. Copy of Municipal Council Resolution dated 24-7-1944. — P7 Cmr
3. Copy of Hospet Taluk Office T.H.S. 3/55 dated 8-11-47 — P8 Cmr
4. Proceedings of the Board of Revenue No. 2262 dated 19-4-49

A R Krishnarao

Advocate

BEFORE THE GOVERNMENT OF MADRAS.

B.Narayanappa ,

merchant, Hospet petitioner.

Address

B. Narayanappa
C/o
A.R. Krishnaiah
Advocate, Hospet

4 — Rev. Dept

Memoro 36242 P/49-1 dy 20.6.49

Assignment - (Bellary) - Hospet taluk and town. Sivo 165/1 (part) - Rejected - Petition against Boards orders ——

From B. Narayanappa petition of ~~17.6.49~~ 7.6.49

A Copy of the petition quoted is forwarded to the Board of Rev. for report with the connected records

KR
17.6.49

17.6.49

20.6.49

I issue d Rtn
Rdl
20.6.49

PP 2-3 c

E. Rqmt Remble Rtn
on
23.8.49. 7.9.49

E.R. dy 31.12.49 to Bd

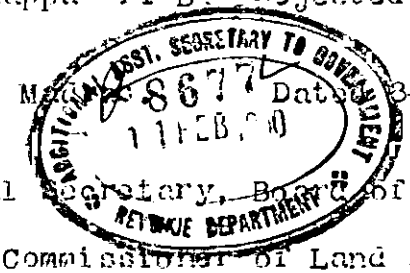
To
The Board of Rev
(with a copy of the
petition on PP 2-3 c)
23/8/49

REVENUE DEPARTMENT.

Subject.

ASSIGNMENT - House site - (Bellary) - Hospet taluk - and town S.No.165/1 - Petition of Narayanappa Sri B. - Rejected - Appeal against Board's orders -

No. Ref.B.6711/49. Station: M[illegible] Dated 3-2-50.



From

Sri A.F.Mascarenhas, Additional Secretary, Board of Revenue.

Sri W.R.S.Battianathan, ICS., Commissioner of Land Revenue.

Read:-- Government memorandum No.36242/F/49-1 dt. 20-6-49.

*****

REFERENCE:--

B.P.Rt. 2262 dated 19-4-49, in which the petition of Narayanappa was disposed of by the Board is submitted in original, along with connected Dt. records for favour of perusal and return. The reasons for rejecting the petition are contained in the B.P.file. The Board has no further remarks to make.

For ADDITIONAL SECRETARY.

To the Secretary to Government, Revenue Department, Madras (with connected records.).

1. B.P.Rt. 2262 dated 19-4-49.
2. Bellary Collector's D.Dis.487/49 dt. 30-4-49.
3. " " D.Dis.1792/42 dt. 22-8-42.
4. " " D.Dis.2287/40 dt. 25-9-40.
5. Sub-Collector's D.Dis. 966/49 dt. 12-3-49.
6. Collector's L.Dis. A.3. 12562-47 dt. 1-12-47.

RS.8.2.

9/2/1950

6 46 Rev. Dept

Ff in 3 cf

CNo. 36242 FH/49.

Read: from Sri. B. Narayanappa, Hospet, petition dated 7-6-1949.
from the Board of Revenue, Ref B. 6711/49 dated 8-2-1950.

Pl. issue with ends + return
14350

W/14F

G.O. Ms. No. 756 dated 14-3-1950.

The petitioner is informed that the Govt. see no reason to interfere on his behalf. The petition is rejected.

8.3.50

8/3/50

VKR
11.9.50

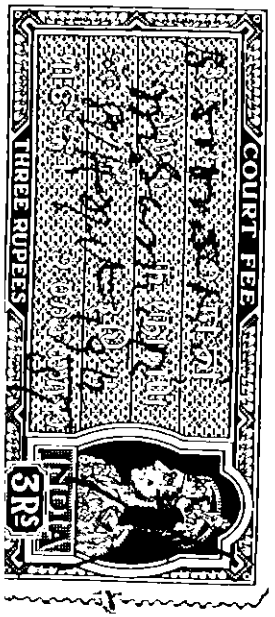
To Sri B. Narayanappa,
Petitioner, thro' his
Advocate
Sri. A.R. Krishna Rao,
Advocate, Hospet,
Bellary Dt. (with
4 items of records rets by RD)
To the Bd. of Rev.
(With 6 items of
records returned)

Before The Secretary to Government
Revenue department
Madras

~~IN THE COURT OF THE~~

ASST. SECRETARY
88147 H
24 DEC 5

No. of 195/.



I/~~We~~ B. Narayanappa, Merchant
Hospet herein do hereby appoint and retain Mr. V. L. Narayana Rao, Advocate, Hospet as my or over advocate to appear on my or our behalf in the above matter, to conduct all proceedings connected with the same, to receive documents from Court, to execute any decree that may be passed in my or our favour, and to receive money or other property that may be recovered.

I/~~We~~ further empower him to enter into any lawful compromise in the suit and hereby agree to confirm, ratify and abide by all acts which he or any other practitioner nominated by him in this behalf may do in the above matter.

Accepted
V Narayana Rao
Advocate
Hospet

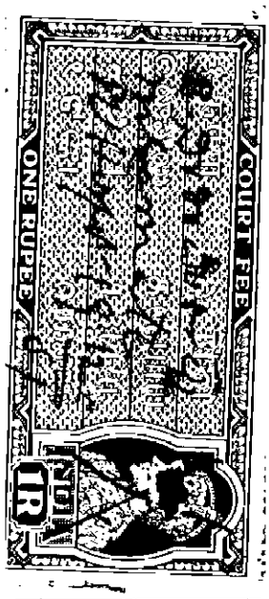
B. Narayanappa

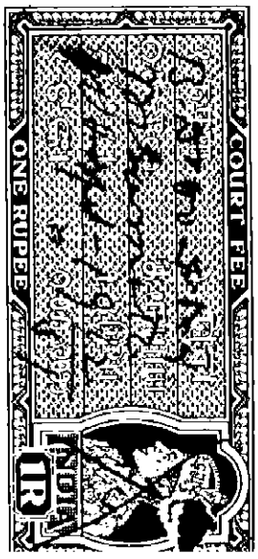
Executed before me this 19 day of Dec 195/.

J. Joseph
Pleader
Hospet 19-12-5

BEFORE THE SECRETARY TO GOVERNMENT,

REVENUE DEPARTMENT, MADRAS.





No. /51.

Bhupalam Narayanappa,
merchant, main bazaar,
Hospet. (Bellary District) Petitioner.

Subject:- Assignment- house site-Bellary District-
Hospet town- Hospet Municipality- S.No. 165/1
revision of orders prayed for.

Ref:- G.O.No. 756 dated 14-3-1950

The humble petition of Bhupalam Naryanappa , merchant, Hospet, most respectfully showeth :-

1. that the Government in their order No. 756 dated 14-3-50 were pleased to reject his petition for assignment of a small plot of land measuring 4' by 12' in S.No. 165/1 of Hospet town Bellary District.

2. that so long back as 1914, the Municipal authorities had permitted the petitioner's late father Bhupalam Ramayya to retain the pial in front of the house. Even prior to it , that is about forty years back, the petitioner's house was as it is today with the top floor in existence. It is now sought to treat this portion of the house measuring 12' by 4' consisting of two storeys as an objectionable encroachment and to remove it on the sole ground that it narrows the road and obstructs traffic.

3. that this argument on a local inspection becomes untenablefor the reason that several buildings adjoining the house under consideration are actually abutting into the road narrowing it down , while the house in question has been in alignment with the majority of the houses in the road. Moreover, the front of the first house on the other side of the lane adjoining the house under consideration is located a few feet behind the said alignment and provides sufficient scope and convenience for the free movement of traffic from

and into the lane.The lane itself is very narrow and there is very little traffic in it. The front portion of the house cannot therefore on any practical grounds, be regarded as obstructing traffic either on the main road or in the lane. In fact, in his orders to the Municipality, it is understood the Collector was pleased to observe that the encroachment was un-objectionable and did not interfere with traffic, but that it was the electric post in front of the house which was the real obstruction to traffic since it was right inside the road area. Besides, the house next-door to the one under consideration belonging to one Sri. Nagenahally Aiyana Gowd projects into the road about a yard further than the front line of the house in question . It will be obvious to any casual visitor that the electric post cannot be shifted back as Sri. Aiyana Gowd's house upstairs will be claer obstruction to the wires.

4. that another very pertinent and important point is that while the benefits that might accrue to the public by the removal of the alleged encroachment will be practically nil the petitioner will be put to untold loss and expenditure as the whole house will have to be pulled down and re-constructed.Till this day no steps have been taken to remove so called encroachments of all houses nor the electric post shifted from its present place. This shows that conditions should remain as they are. Even from the equitable point of view , the removal of encroachment would cause heavy loss to the petitioner and it would not substabtially improve the locality in any way.

5. It is therefore prayed that the Government will be pleased to allow the house to stand as it is ~~on the area assigned in favour of the petitioner~~ or order assignment of the small bit in favour of the petitioner.

Hospet.

D/19-12-51

B. Narayanappa

Petitioner

Advocate.

BEFORE THE SECRETARY TO GOVERNMENT,

REVENUE DEPARTMENT,

MADRAS.

Bhupalam Narayanappa

Hospet. Petitione:

Petition for reconsideration of previous orders and for assignment of a bit of land.

V.L.Narayana R__,

Advocate for petitioner.

Rev Dept-

Memo No 8147 H/51-1 dt 9.1.52.

Assignment - House site - (Bellary) - Hospet town - Re-fenociclvation Hospet Municipality - S. No 165/1 - Revision of order. from Sri. B. Narayanappa, petition dt. 19.12.51.

The Govt see no grounds to reconsider their orders in G.O No 756 Rev dt 14.3.50. The petition is rejected

9/1/52

B. Narayanappa
Narayana Rao
Advocate
Hospet
Bellary dt-

242 P/49 Assignment - House Site - (Bellary) - Hospet Taluk and town - S.No 165/1 - Appeal against Board's order - Petition

Pp 2-3 C?

From B. Narayanappa petition dt 7.6.49

To us :-

Please see the petition and its enclosures on pp 2-13 C?.

Para 3 and 6 of pp 2-3 C?

It will be seen from the petition that the petitioner had encroached upon a portion of S.No 165/1, of Hospet taluk and town by extending the balcony of his house.

Para 1 Page 1 C?

The petitioner seems to have applied for the assignment of this encroached area but the Collr rejected his application.

Para 2 and 3 of pp 2-3 C?

The petitioner approached the Board of Rev against the orders of the Collr. The Board rejected his appeal. The present petition is the C?. against the orders of the Board of Rev.

3 It is submitted that there is no provision for appeals to Govt in assignment cases. It is for orders whether a report may be called for in the matter with connected records. If considered unnecessary, the petitr may be informed that the Govt decline to interfere in the matter on his behalf.

The petitioner has not been sent a copy of the Collrs orders. Reasons for which orders do not given any reason for rejecting the petitrs request.

4 Vakalatas should be affixed with court fees Stamps of the value of Rs 3/- Only court fees Stamps of the value of Rs 2/- have been affixed to the vakalata filed in this case. The petitioner has however affixed court fees Stamps of the value of Rs 2/- It does not therefore seem necessary to call for additional Stamps J. Call for report

15.6.49 16.6.49

With Refa. to U.S's orders at S. o Plank a draft memo is submitted for abbroval.

17.6.49

17.6.49

20.6.49

Issued as Govt. Memo 36242-F/49-1 D/ 20-6-'49.

From the Bd. of Rev., Ref.B.6711/49 D/ 8-2-'50.

To A.S.

This file deals with a petition from one Sri B. Narayanappa regarding the assignment of a portion of the la in S.No. 165/1 of Hospet Town, Bellary Dt. The petition is against the orders of the Board of Rev. declining to int fere with the Collr.'s order refusing the assignment to the petitioner.

2. The petitioner encroached on a strip of land measuring 10 5/6 sq. yards in S.No.165/1 of Hospet Town in front of his house. The encroachment was a temporary struct consisting of a shop, a thati, a step, a covering slab, balconies and zinc-shades. The occupation was originally ma with the permission of the Hospet Municipality since 1914. In 1940, the Collr. sanctioned the grant of a temporary licence for one year to the encroacher. The encroacher app for assignment of the whole site under his occupation. The Collr. rejected the application although the R.D.O. and the Tahsildar recommended the assignment of the site.

3. The reasons that weighed with the Collector for rejecting his application are given below:-

(i) Though the Municipality had given ~~him~~ the encroacher permission to occupy the site, it was on condition that the slabs used should be moveable and as a purely temporary measure. It did not entitle him to put up a structure of a permanent nature.

(ii) The site is in the open bazaar and its occupation will reduce the width of the bazaar. Hospet is a town with increasing importance and space in the main bazaar is highly

P.T.O.

essential. The assignment of the site which reduces the width of the main road cannot be allowed in view of the volume of traffic on that road. There is a lot of congestion in traffic in the main bazaar at Hospet and there is no space for fast moving vehicles to overtake and avoid the bullock bandies. A sketch of the site is on p.8 of of (D).

(iii) The assignment, if sanctioned, will create a precedent for owners of other houses adjoining the house of the petitioner in the bazaar to apply for similar assignment.

4. Against the Collr.'s order the petitioner put in an appeal to the Board of Revenue and the Board declined to interfere.

5. No appeal lies to the Government. It is for orders whether the Government may decline to interfere on behalf of the petitioner.

6. L.A. may see before circulation.

Rev 24.2.50 24-2-50

27/2/50

Rev No. 36242 F2/49-3
1-3-50

1/3/50

LA

LOCAL ADMINISTRATION DEPARTMENT
2 - MAR 1950
9113
SECRETARIAT, MADRAS

L. A. Dept

This dept may agree with Rev that Govt may decline to interfere.

21/3/50

L.A.V.O. 9113/50-1-A
3/3/50

The typed notes from p. 2 ant may be read. L.A. agree with this Dept. that the Govt. may decline to interfere on behalf of the petitioner. Subject to orders, a draft order is submitted below for approval.

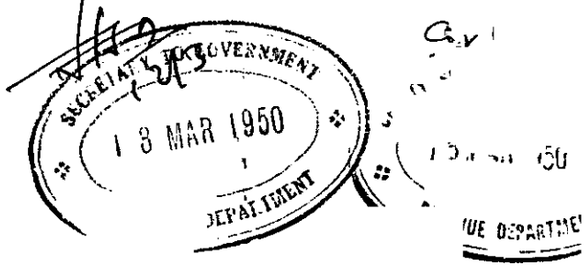
8.3.50

8/3/50

D.S. HM(LR)

11/3/50

HM(LR)



Rev Dept

(C.No 88147 14/51) Assignment - House site - (Bellary) - Hospet town - Hospet Municipality - S.No 165/1 - Revision of orders. from Sri. B. Narayanappa, petition d. 19.12.51.

pp 2-3 cf

To AS

Please see the petition in the Cf. and the orders in S.No. IV on p. 2 ante.

pp 2-3 cf (A)

2. In June 1949, Sri B. Narayanappa, the petnr/pet. appealed to the Govt against the orders of the Board of Rev. fixing the assignment of the land in S.No 165/1 in front of his house in the Camp. A report was called for, from the Board of Rev with the connected records and the case was duly examined. Please see the notes on pp 1-3 n/f of (A). This dept proposed that Govt need not interfere in the matter. d.A. Orders were also taken in circulation and

p-6 cf (A)

accordingly in G.O Ms No 751 d. 14.3.50, the petitioner was informed that Govt. saw no reason to interfere on his behalf & was rejected. Now in his petition d. 19.12.51, the petitioner requests the Govt to reconsider the case. It does not seem necessary to reconsider the case as orders in G.O Ms 756 Rev d 14.3.50 were issued only after perusing the connected records.

p-6 cf (A)

For orders whether the petnr. may be informed that Govt. see no reason to reconsider their orders in G.O. No. 756 Rev. dt 14.3.50.

SJ 29/12/51.

No fresh grounds have been urged. The petn might be rejected (This seems unnecessary as the orders in (A) were passed after circulation)

31.12.51.

3/1/52 DS

This The cf starts after should be punched

3/1/52

To AS

A draft memo is submitted for approval. If

5/1/52

After issue, may be stitched with (A)

11/1/52